REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections set forth in the Office Action dated May 5, 2006 are respectfully requested. The applicants have amended claims 23, 34, and 59, as suggested by the Examiner, to remove clerical errors. Claim 48 has also been amended to correct a clerical error. Claims 1, 59, and 60 have been amended to clarify the distinctions between the claims and the prior art. No new matter has been added. Claims 1-60 are currently pending this application.

PROVISIONAL OBVIOUSNESS-TYPE DOUBLE PATENTING

The Examiner provisionally rejected claims 1-60 on the ground of non-statutory double patenting as being unpatentable over claims 1-38 of copending Application No. 10/667,136. At least in part because the rejection is provisional, the applicants respectfully assert that a terminal disclaimer is not required at this time, if ever.

THE 102/103 REJECTIONS

The Examiner rejected claims 1-24, 26-41, 52, 59-60 under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,317,599 (Rappaport et al.). The Examiner rejected claim 25 under 35 U.S.C. 103(a) as being unpatentable over Rappaport in view of U.S. Pat. No. 6,687,498 (McKenna et al.). The Examiner rejected claims 42-51, 53-58 under 35 U.S.C. 103(a) as being unpatentable over Rappaport et al. in view of U.S. Pat. No. 6,973,622 (Rappaport II). The Examiner rejected claims 49-51 under 35 U.S.C. 103(a) as being unpatentable over Rappaport et al. in view of U.S. Pat. No. 6,512,916 (Forbes). The Examiner rejected claims 53-54 r 35 U.S.C. 103(a) as being unpatentable over Rappaport et al. in view of U.S. Pat. No. 6,879,812 (Agrawal et al.). The applicants respectfully disagree that the claims are unpatentable over the cited prior art.

THE PRIOR ART

Rappaport et al. apparently disclose a method and system for automated optimization of antenna positioning in 3-D (title). Notably, Rappaport et al. fail to disclose any teaching regarding application bandwidth or user groups on a wireless network. The Examiner indicated at page 3 of the Office Action that Rappaport et al. disclose "receiving capacity data about the site for the wireless local area network (i.e., using database information, predictions about coverage, interference and performances can be made) (see abstract)." The applicants respectfully point out,

- 10 -

however, that the no description is provided regarding how "adequate RF coverage" or "system performance" is achieved. Indeed, "insufficient RF coverage" is defined by Rappaport et al., at col. 3, lines 51-57, as "dead zones" and "poor network delay" as "outages." There is no discussion regarding capacity data that is associated with either application bandwidth or user group bandwidth.

THE PRIOR ART DISTINGUISHED

To anticipate a claim, a reference must teach each and every element of the claim. Claim 1 includes the language:

> receiving floor plan data about a site for the wireless local area network;
> receiving coverage data about the site for the wireless local area network;
> determining application bandwidth for one or more applications for use in the wireless local area network;
> determining user group bandwidth for one or more user groups that will utilize the wireless local area network;
> calculating capacity data using the application bandwidth and the user group bandwidth;
> receiving capacity data about the site for the wireless local area network;
> associating areas with applications and user groups in accordance with the capacity data;
> based at least on the floor plan data, the coverage data, and the capacity data, determining quantity, placement, and configuration of a plurality of access points of the wireless local area network.

Since Rappaport et al. do not teach determining application bandwidth, determining user group bandwidth, calculating capacity data using the application bandwidth and user group bandwidth, receiving capacity data, or associating areas with applications and user groups in accordance with the capacity data, claim 1 is allowable over Rappaport et al. for at least any of these reasons. Claims 2-58, which depend from claim 1, are allowable at least for depending from an allowable base claim. Claims 59 and 60 are allowable for reasons similar to those described with reference to claim 1.

THE DEPENDENT CLAIMS

Since the dependent claims 2-58 are allowable at least for depending from an allowable base claim, a detailed discussion of the prior art used to reject these claims is omitted for the sake of brevity.

CONCLUSION

In view of the foregoing, Applicant submits that the claims pending in the application patentably define over the prior art. The Applicant respectfully requests the Examiner withdraw rejections of all claims. A Notice of Allowance is respectfully requested.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 838-4305.

Respectfully submitted,
Perkins Coie LLP

Date: <u>November 10, 2006</u>
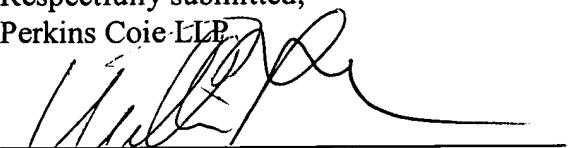
William F. Ahmann
Registration No. 52,548

Correspondence Address:
Customer No. 22918
Perkins Coie LLP
P. O. Box 2168
Menlo Park, California 94026
(650) 838-4300

- 12 -